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10/803,840

03/17/2004

David Kwan

7482

6454

7590

03/21/2006

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EXAMINER

HINZE, LEO T

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,840

Applicant(s)

KWAN ET AL.

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 1-7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

1. Claims 1-7 and 11 are objected to because of the following informalities:
 - a. In claim 1, the term “the L-shaped flanges” in line 10 lacks the proper antecedent basis. It appears that “L-shaped lugs” in line 5 should instead be “L-shaped flanges.”
 - b. In claims 4 and 11, the term “the countdown timer” in line 2 lacks the proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr, US 2001/0036129 A1 (hereinafter Carr) in view of Jordi, US 4,705,408 (hereinafter Jordi).

a. Regarding claim 8:

Carr teaches a timer for indicating when a beverage within a beverage container is no longer fresh comprising: a timer body (10, Fig. 2) containing electronic circuitry adapted to display a time remaining (23, Fig. 2) before the beverage is no longer fresh; and a strap (50, Fig. 2) for attaching the timer to a container.

Carr does not teach a clip comprising two timer clamps attached to one another and a central retainer, each clamp having a first end and a second end, wherein first end of the timer clamps are resiliently biased in a direction away from one another, wherein the second end of each of the timer clamps comprises an extension portion, a generally U-shaped clamping portion attached to the extension portion and an inwardly turned retainer portion attached to the clamping portion.

Jordi teaches a watch mounted on a clip, the clip comprising two clamps (5, 7, Fig. 1) attached to one another and a central retainer, each clamp having a first end and a second end, wherein first end of the timer clamps are resiliently biased in a direction away from one another (by spring 8, Fig. 2), wherein the second end of each of the timer clamps comprises an extension portion, a generally U-shaped clamping portion attached to the extension portion and an inwardly turned retainer portion attached to the clamping portion (see end 6, Fig. 2). Jordi teaches that

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such an arrangement can be mass-produced at relatively low cost (col. 1, ll. 42-43) and allows the watch to be attached to a variety of items (col. 1, ll. 43-45).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Carr to place the timer on a clip as taught in Jordi, because Jordi teaches that such an arrangement can be mass-produced at relatively low cost and allows the watch to be attached to a variety of items.

b. Regarding claim 12, the combination of Carr and Jordi teaches all that is claimed as discussed in the rejection of claim 8 above. Carr also teaches a buzzer for indicating when the timer has elapsed (24, Fig. 1).

c. Regarding claim 13, the combination of Carr and Jordi teaches all that is claimed as discussed in the rejection of claim 8 above. Carr also teaches a reset button (21, Fig. 2) for resetting the timer.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of Jordi as applied to claim 8 above, and further in view of Dorman et al, US 5,802,677 (hereinafter Dorman).

The combination of Carr and Jordi teaches all that is claimed as discussed in the rejection of claim 8 above.

The combination of Carr and Jordi does not teach wherein the clamping portion and the retainer portion are elongated with respect to a remaining portion of the timer clamps.

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Dorman teaches a clip wherein the clamping portion and the retainer portion are elongated with respect to a remaining portion of the timer clamps (22, Fig. 2). The elongated clamping portions provide more area for graphics (col. 2, l. 13).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Carr wherein the clamping portion and the retainer portion are elongated with respect to a remaining portion of the timer clamps, because Dorman teaches that this provides more area for graphics, which a person having ordinary skill in the art would recognize as an advantage, because customers wishing to use the clip for advertising would have more room for ads.

6. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of Jordi as applied to claim 8 above, and further in view of Weiner, US 6,545,592 (hereinafter Weiner).

a. Regarding claim 11:

The combination of Carr and Jordi teaches all that is claimed as discussed in the rejection of claim 8 above. Carr does teach indicators for “OK,” “USE,” and “EXPIRED” (23, Fig. 2).

The combination of Carr and Jordi does not teach a first LED for indicating when the countdown timer is active and a second LED for indicating when the timer has elapsed.

Weiner teaches a timer with an LED (56, Fig. 2) to alert when a time period expires.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Carr to include a first LED for indicating when the countdown timer is active and a second LED for indicating when the timer has elapsed, because

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a person having ordinary skill in the art would recognize that additional visual confirmation would be advantageous to users with hearing impairments.

b. Regarding claim 14:

The combination of Carr and Jordi teaches all that is claimed as discussed in the rejection of claim 8 above. Carr does teach means for modifying the countdown time of the timer (21, Fig. 2).

The combination of Carr and Jordi does not teach DIP switches for modifying the countdown time of the timer.

Weiner teaches DIP switches for modifying the countdown time of the timer (Fig. 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Carr to include DIP switches for modifying the countdown time of the timer as taught by Weiner, because a person having ordinary skill in the art would recognize that DIP switches are an advantageous way to easily set alarm time intervals that provide immediate visual confirmation of the time intervals without needed a secondary display device to display the time intervals.

Allowable Subject Matter

7. Claims 1-7 are objected to, but would be allowable if the outstanding rejections are overcome.

8. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. The following is an examiner's statement of reasons for allowance:

a. Regarding claims 1 and 9, the prior art of record does not teach or render obvious a timer having all of the structure and functionality as claimed, including a timer body with two L-shaped flanges, and a clip comprising a lug adapted to be attached to the L-shaped flanges of the timer body.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

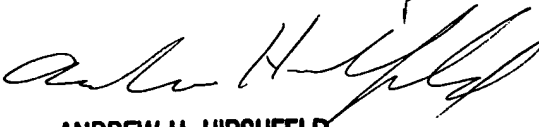
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze
Patent Examiner
AU 2854
07 March 2006



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